

CLOSED

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:09-cv-00823-IEG-CAB**

Council on American-Islamic Relations, California et al v.
Federal Bureau of Investigation et al
Assigned to: Judge Irma E. Gonzalez
Referred to: Magistrate Judge MJ Bencivengo
Cause: 05:552 Right to Privacy Act

Date Filed: 04/20/2009
Date Terminated: 10/12/2010
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

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Relations, California**

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Plaintiff

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Defendant

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Date Filed	#	Docket Text
04/20/2009	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 162265.), filed by Council on American-Islamic Relations, California, Edgar Hopida.(joeh)(kaj). (Entered: 04/21/2009)

04/20/2009	<u>2</u>	Summons Issued as to U.S. Attorney and U.S. Attorney General (joeh) (Entered: 04/21/2009)
05/07/2009	<u>3</u>	PRO HAC VICE APPOINTED: Julie Straus appearing for Defendants Federal Bureau of Investigation, Department of Justice (All non-registered users served via U.S. Mail Service).(leh) (Entered: 05/07/2009)
05/20/2009	<u>4</u>	ANSWER to <u>1</u> Complaint by Federal Bureau of Investigation, Department of Justice.(Straus, Julie). (jah). (Entered: 05/20/2009)
05/21/2009	<u>5</u>	NOTICE of Appearance by John David Blair-Loy on behalf of Council on American-Islamic Relations, California, Edgar Hopida (Attachments: # <u>1</u> Proof of Service)(Blair-Loy, John). (jah). (Entered: 05/21/2009)
05/21/2009	<u>6</u>	NOTICE of Appearance by Sean Connor Riordan on behalf of Council on American-Islamic Relations, California, Edgar Hopida (Attachments: # <u>1</u> Proof of Service)(Riordan, Sean). (jah). (Entered: 05/21/2009)
05/22/2009	<u>7</u>	NOTICE AND ORDER for ENE Conference. Early Neutral Evaluation Conference set for 7/6/2009 02:00 PM in Courtroom E before Magistrate Judge Cathy Ann Bencivengo. Signed by Magistrate Judge Cathy Ann Bencivengo on 5/22/2009. (jah) (jrl). (Entered: 05/22/2009)
06/17/2009	<u>8</u>	Joint MOTION for Leave to Appear Telephonically at Early Neutral Evaluation Conference by Council on American-Islamic Relations, California, Edgar Hopida, Federal Bureau of Investigation, Department of Justice. (Attachments: # <u>1</u> Proposed Order)(Straus, Julie) Modified on 6/18/2009, atty contacted re: proposed orders never to be e-filed(leh). (Entered: 06/17/2009)
06/18/2009	<u>9</u>	Minute Entry: On the Court's own motion, the Early Neutral Evaluation set for July 6, 2009, at 2:00 p.m. is converted to a TELEPHONIC, ATTORNEYS ONLY appearance. Counsel for Plaintiffs shall coordinate and initiate the call. The joint motion to allow counsel for Defendant to appear telephonically, [Doc. No. 8], is DENIED as moot. (mgl) (Entered: 06/18/2009)
07/06/2009	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge Cathy Ann Bencivengo: A telephonic Early Neutral Evaluation Conference was held on 7/6/2009. The Court hereby sets a Status Conference for 9/8/2009 at 1:30 p.m. to allow the parties to continue negotiations.(Plaintiff Attorney Craig Countryman, John David Blair-Loy). (Defendant Attorney Julie Strauss). (asz) (Entered: 07/06/2009)
07/06/2009	<u>11</u>	NOTICE of Hearing: Telephonic Status Conference set for 9/8/2009 01:30 PM before Magistrate Judge Cathy Ann Bencivengo. Plaintiffs' counsel shall initiate the conference call.(asz) (Entered: 07/06/2009)
09/04/2009	<u>12</u>	NOTICE of Hearing: Due to a conflict on the Court's calendar, the Status Conference currently set for 9/8/2009 at 1:30 p.m. is hereby RESET to 9/11/2009 02:00 PM before Magistrate Judge Cathy Ann Bencivengo. All other provisions of the Court's previous order setting the telephonic Status Conference remain in effect.(asz) (Entered: 09/04/2009)
09/11/2009	<u>13</u>	Minute Entry for proceedings held before Magistrate Judge Cathy Ann Bencivengo: Status Conference re document production held on 9/11/2009. Order to follow.(Plaintiff Attorney Julie Straus Craig Countryman). (Defendant Attorney Julie Strauss). (asz) (Entered: 09/11/2009)
09/11/2009	<u>14</u>	DISCOVERY ORDER and ORDER SETTING STATUS CONFERENCE. Telephonic Status Conference re production of documents in response to Plaintiffs' Freedom of Information Acts requests was held on 9/11/2009. Telephonic Status Conference to address the status of the outstanding production set for 11/10/2009 01:30 PM in Courtroom E before Magistrate Judge Cathy Ann Bencivengo. Dfts have denied Plaintiffs' request for expedited processing and waiver of fees and costs. Plaintiffs may proceed w/ motions addressing this aspect of their claims. Signed by Magistrate Judge Cathy Ann Bencivengo on 9/11/2009. (jah) (jrl). (Entered: 09/14/2009)

11/10/2009	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Cathy Ann Bencivengo: Status Conference held on 11/10/2009. Order to follow.(Plaintiff Attorney Craig Countryman). (Defendant Attorney Julie Straus). (asz) (Entered: 11/10/2009)
11/10/2009	<u>16</u>	Discovery Order and Order Setting Further Status Conference: Document production shall be completed no later than January 15, 2010. A telephonic status conference is hereby scheduled for January 19, 2010 at 1:30 p.m. to set a briefing schedule for motions regarding the adequacy of Defendants' search and the justification for any withheld documents. Signed by Magistrate Judge Cathy Ann Bencivengo on 11/10/09. (pdc)(jrl). (Entered: 11/10/2009)
01/19/2010	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge Cathy Ann Bencivengo: Status Conference re Briefing Schedule held on 1/19/2010. Written order to follow.(Plaintiff Attorney Craig Countryman). (Defendant Attorney Julie Straus). (asz) (Entered: 01/19/2010)
01/19/2010	<u>18</u>	ORDER Setting Briefing Schedule. Telephonic Status Conference re production of documents in response to Plaintiffs' Freedom of Information Acts requests was held on 1/19/2010. Dfts shall file a motion for summary judgment by 4/12/2010. Plaintiffs shall file opposition by 5/3/2010. Dfts shall file reply to the opposition by 5/10/2010. Motion shall be scheduled for hearing on 5/17/2010 at 10:30am in Courtroom 1 before Judge Irma E. Gonzalez. Signed by Magistrate Judge Cathy Ann Bencivengo on 1/19/2010.(jah) (jrl). (Entered: 01/20/2010)
04/09/2010	<u>19</u>	Joint MOTION to Continue <i>May 17, 2010 Hearing and Accompanying Briefing</i> by Department of Justice, Federal Bureau of Investigation. (Straus, Julie). (jah). (Entered: 04/09/2010)
04/09/2010	<u>20</u>	ORDER granting in part/modifying in part <u>19</u> Joint Motion to Continue May 17, 2010 Hearing and Accompanying Briefing. The hearing will be continued to 6/21/2010 at 10:30am. Dfts shall filed their motion for summary judgment by 5/10/2010. Plaintiffs shall file their response to Dfts' motion by 6/1/2010. Dfts shall file their reply to Plaintiffs' response by 6/7/2010. Signed by Judge Irma E. Gonzalez on 4/9/2010. (jah) (jrl). (Entered: 04/09/2010)
05/07/2010	<u>21</u>	MOTION for Leave to File Excess Pages for Memorandum in Motion for Summary Judgment by Department of Justice, Federal Bureau of Investigation. (Straus, Julie). Modified on 5/10/2010 – Edited text (jah). (Entered: 05/07/2010)
05/10/2010	<u>22</u>	MOTION for Summary Judgment by Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Memo of Points and Authorities Memorandum and Proof of Service, # <u>2</u> Declaration and Exhibits Part 1 of 24, # <u>3</u> Declaration and Exhibits Part 2 of 24)(Straus, Julie) Modified on 5/11/2010 (jah). (Entered: 05/10/2010)
05/10/2010	<u>23</u>	DECLARATION re <u>22</u> MOTION for Summary Judgment <i>Declaration Part 3 of 24</i> by Defendants Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration and Exhibits Part 4 of 24, # <u>2</u> Declaration and Exhibits Part 5 of 24, # <u>3</u> Declaration and Exhibits Part 6 of 24)(Straus, Julie). Modified on 5/11/2010 – Removed duplicate attachment descriptions (jah). (Entered: 05/10/2010)
05/10/2010	<u>24</u>	DECLARATION and Exhibits Part 7 of 24 re <u>22</u> MOTION for Summary Judgment by Defendants Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration and Exhibits Part 8 of 24, # <u>2</u> Declaration and Exhibits Part 9 of 24, # <u>3</u> Declaration and Exhibits Part 10 of 24)(Straus, Julie). Modified on 5/11/2010 – Edited text (jah). (Entered: 05/10/2010)
05/10/2010	<u>25</u>	DECLARATION and Exhibits Part 11 of 24 re <u>22</u> MOTION for Summary Judgment by Defendants Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration and Exhibits Part 12 of 24, # <u>2</u> Declaration and Exhibits Part 13 of 24, # <u>3</u> Declaration and Exhibits Part 14 of 24, # <u>4</u> Declaration and Exhibits Part 15 of 24)(Straus, Julie). Modified on 5/11/2010 – Edited text (jah). (Entered: 05/10/2010)
05/10/2010	<u>26</u>	DECLARATION and Exhibits Part 16 of 24 re <u>22</u> MOTION for Summary Judgment by Defendants Department of Justice, Federal Bureau of Investigation.

		(Attachments: # <u>1</u> Declaration and Exhibits Part 17 of 24, # <u>2</u> Declaration and Exhibits Part 18 of 24, # <u>3</u> Declaration and Exhibits Part 19 of 24)(Straus, Julie). Modified on 5/11/2010 – Edited text (jah). (Entered: 05/10/2010)
05/10/2010	<u>27</u>	DECLARATION and Exhibits Part 20 of 24 re <u>22</u> MOTION for Summary Judgment by Defendants Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration and Exhibits Part 21 of 24, # <u>2</u> Declaration and Exhibits Part 22 of 24, # <u>3</u> Declaration and Exhibits Part 23 of 24, # <u>4</u> Declaration and Exhibits Part 24 of 24)(Straus, Julie). Modified on 5/11/2010 – Edited text). (Entered: 05/10/2010)
05/10/2010	<u>28</u>	ORDER granting Defendants' <u>21</u> Unopposed Motion for Leave to Exceed Page Limitation for Memorandum in support of Dfts' Motion for Summary Judgment. Signed by Judge Irma E. Gonzalez on 5/10/2010. (jah)(jrl). (Entered: 05/11/2010)
05/12/2010	<u>29</u>	NOTICE of <i>Corrected Declaration</i> by Department of Justice, Federal Bureau of Investigation re <u>22</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Corrected Declaration Part 1 of 12, # <u>2</u> Corrected Declaration Part 2 of 12, # <u>3</u> Corrected Declaration Part 3 of 12, # <u>4</u> Corrected Declaration Part 4 of 12, # <u>5</u> Corrected Declaration Part 5 of 12, # <u>6</u> Corrected Declaration Part 6 of 12)(Straus, Julie). Modified on 5/13/2010 – Removed duplicate text (jah). (Entered: 05/12/2010)
05/12/2010	<u>30</u>	CORRECTED DECLARATION Part 7 of 12 re <u>29</u> Notice (Other), Notice (Other), Notice (Other), <u>22</u> MOTION for Summary Judgment by Defendants Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Declaration Corrected Declaration Part 8 of 12, # <u>2</u> Declaration Corrected Declaration Part 9 of 12, # <u>3</u> Declaration Corrected Declaration Part 10 of 12, # <u>4</u> Declaration Corrected Declaration Part 11 of 12, # <u>5</u> Declaration Corrected Declaration Part 12 of 12)(Straus, Julie). Modified on 5/13/2010 – Per Local Rule 5.1.j.1, pleading is missing captioned. Email sent to Atty re Local Rule (jah). (Entered: 05/12/2010)
05/28/2010	<u>31</u>	Unopposed MOTION for Leave to File Excess Pages to the Opposition to Dfts' Motion for Summary Judgment by Council on American–Islamic Relations, California, Edgar Hopida. (Countryman, Craig). Modified on 6/1/2010 – Edited text (jah). (Entered: 05/28/2010)
06/01/2010	<u>32</u>	RESPONSE in Opposition re <u>22</u> MOTION for Summary Judgment filed by Council on American–Islamic Relations, California, Edgar Hopida. (Attachments: # <u>1</u> Declaration of Craig E. Countryman, # <u>2</u> Exhibit 1 to Decl of Craig E. Countryman, # <u>3</u> Exhibit 2 to Decl of Craig E. Countryman, # <u>4</u> Exhibit 3 to Decl of Craig E. Countryman, # <u>5</u> Exhibit 4 to Decl of Craig E. Countryman, # <u>6</u> Exhibit 5 to Decl of Craig E. Countryman, # <u>7</u> Exhibit 6 to Decl of Craig E. Countryman, # <u>8</u> Exhibit 7 to Decl of Craig E. Countryman, # <u>9</u> Exhibit 8 to Decl of Craig E. Countryman, # <u>10</u> Exhibit 9 to Decl of Craig E. Countryman, # <u>11</u> Exhibit 10 to Decl of Craig E. Countryman, # <u>12</u> Exhibit 11 to Decl of Craig E. Countryman, # <u>13</u> Exhibit 12 to Decl of Craig E. Countryman, # <u>14</u> Exhibit 13 to Decl of Craig E. Countryman, # <u>15</u> Exhibit 14 to Decl of Craig E. Countryman)(Countryman, Craig). Modified on 6/2/2010 – Removed duplicate text (jah). (Entered: 06/01/2010)
06/02/2010	<u>33</u>	MOTION for Extension of Time to File Reply as to <u>32</u> Response in Opposition to Motion, <u>22</u> MOTION for Summary Judgment by Department of Justice, Federal Bureau of Investigation. (Straus, Julie). Modified on 6/3/2010 – Removed duplicate text (jah). (Entered: 06/02/2010)
06/02/2010	<u>34</u>	ORDER granting Plaintiffs' <u>31</u> Unopposed Motion for Leave to File Excess Pages to the Memorandum in Opposition to Defendants' Motion for Summary Judgment. Signed by Judge Irma E. Gonzalez on 6/2/2010. (jah) (jrl). (Entered: 06/03/2010)
06/03/2010	<u>35</u>	ORDER granting Defendant's <u>33</u> Unopposed Motion for Extension of Time to File Reply re <u>22</u> MOTION for Summary Judgment. Defendants shall file reply memorandum by 6/11/2010. Signed by Judge Irma E. Gonzalez on 6/3/2010. (jah) (jrl). (Entered: 06/03/2010)
06/11/2010	<u>36</u>	REPLY to Response to Motion re <u>22</u> MOTION for Summary Judgment filed by Department of Justice, Federal Bureau of Investigation. (Attachments: # <u>1</u> Second Declaration of David M. Hardy)(Straus, Julie). Modified on 6/14/2010 – Edited

		attachment description (jah). (Entered: 06/11/2010)
06/21/2010	<u>37</u>	Minute Order for proceedings held before Judge Irma E. Gonzalez: Motion Hearing held on 6/21/2010 <u>22</u> MOTION for Summary Judgment filed by Department of Justice, Federal Bureau of Investigation – Submitted, court will prepare a written order. (Court Reporter F. Rangus.)(Plaintiff Attorney Craig Countryman, John D. Blair–Loy, Sean C. Riordan).(Defendant Attorney Julie Straus). (lsf) (Entered: 06/21/2010)
06/28/2010	<u>38</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) held on 6/21/2010, before Judge Irma E. Gonzalez. Court Reporter/Transcriber: Frank J. Rangus. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E–File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 7/19/2010. Redacted Transcript Deadline set for 7/29/2010. Release of Transcript Restriction set for 9/27/2010. (akr) (Entered: 06/28/2010)
06/29/2010	<u>39</u>	ORDER; the Court grants in part the summary judgment and reserves judgment in part <u>22</u> ; the Court orders limited in camera review; the Government is ordered to submit to the Court proposed procedures that the Court shall utilize in conducting the in camera review. Signed by Judge Irma E. Gonzalez on 6/29/10. (kaj) (jrl). (Entered: 06/29/2010)
07/16/2010	<u>40</u>	NOTICE <i>re Letter Identifying Documents for In Camera Review</i> by Council on American–Islamic Relations, California (Countryman, Craig). (jah). (Entered: 07/16/2010)
07/16/2010	<u>41</u>	Letter Dated 7/7/2010 from the U.S. Department of Justice re procedures for handling classified materials for in camera review. (jah) (Entered: 07/20/2010)
10/12/2010	<u>42</u>	ORDER granting Defendants' <u>22</u> Motion for Summary Judgment. Dft's motion for summary judgment is granted following in camera review. Court concludes the FBI properly withheld documents under the asserted Exemptions. Documents will be returned to the U.S. Dept. of Justice Litigation Security Group to maintain pending any appeal. Signed by Judge Irma E. Gonzalez on 10/12/2010. (jah)(av1). (Entered: 10/13/2010)
10/13/2010	<u>43</u>	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED that judgment is entered in favor of Department of Justice, Federal Bureau of Investigation against Council on American–Islamic Relations, California, Edgar Hopida. Court following in camera review, grants Dfts' motion for summary judgment. Court concludes the FBI properly withheld documents under the asserted Exemptions. Case is terminated(jah) (av1). (Entered: 10/13/2010)